

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
of the Commission's Rules)
Table of Allotments)
FM Broadcast Stations)
(Lincoln, Pontiac and Chenoa,)
Illinois))

MM Docket No. 92-204
RM-8058
RM-8081
RM-8126

To: Chief, Allocations Branch,
Policy and Rules Division
Mass Media Bureau

JOINT PETITION FOR RESOLUTION OF RULEMAKING
PROCEEDING AND REQUEST FOR EXPEDITED ACTION

Livingston County Broadcasters, Inc. ("Livingston"), licensee of WJEZ(FM), Pontiac, Illinois, and L&M Broadcasting Company, Inc. ("L&M"), licensee of WESZ(FM), Lincoln, Illinois, by their attorneys, hereby respectfully petition for resolution of the captioned rulemaking proceeding. Specifically, Livingston and L&M request the Commission to allot, at designated reference points, Channel 229B1 at Pontiac and Channel 230B1 at Lincoln.

1. On July 24, 1992, L&M filed a Petition for Rule Making to substitute Channel 230B1 for Channel 230A at Lincoln, and to modify its license for Station WESZ(FM) to specify operation on Channel 230B1. On August 25, 1992, Livingston filed a Petition for Rule Making to substitute Channel 229B1 for Channel 229A at Pontiac, and to modify its license for WJEZ to specify operation on Channel 229B1.

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2. On September 4, 1992, the Commission released a Notice of Proposed Rulemaking, 7 FCC Rcd 5611 (MMB, 1992), requesting comments on L&M's proposal. As an alternative to its petition to operate WJEZ on Channel 229B1 at Pontiac, Livingston filed a counterproposal proposing to change Station WJEZ's community of license to Chenoa, and to upgrade the station to specify operation on Channel 229B1. Livingston's proposals subsequently appeared as counterproposals in this proceeding. Public Notice, Report No. 1919 (released November 24, 1992).

3. On December 9, 1992, L&M submitted Reply Comments advancing a technical solution which would permit both WJEZ and WESZ to upgrade. As indicated in the Engineering Statement accompanying L&M's Reply Comments, if the Commission allots Channel 230B1 to Lincoln at 40 00' 00" and 89 29' 00" and Channel 229B1 to Pontiac at 40 45" 53" and 88 35' 28", the two allotments will be adequately spaced. Livingston has independently verified the feasibility of L&M's proposal and supports its adoption. Accordingly, Livingston and L&M hereby request that the Commission allot Channel 230B1 to Lincoln and Channel 229B1 to Pontiac at the aforementioned reference points.^{1/}

4. Adoption of L&M's proposal will resolve this proceeding and will conserve Commission resources from having to contend with further pleadings from both parties. Moreover, the proposal

^{1/} Livingston and L&M have reached an agreement to coordinate with each other the location of proposed transmitter sites to implement the FCC's order. The agreement makes no provision for payment by either party.

will serve the public interest by providing additional service to tens of thousands of people around Lincoln and Pontiac, Illinois. Accordingly, the parties request that the Commission act expeditiously to grant the respective channel substitutions.

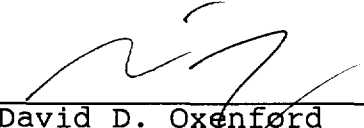
5. Upon grant of L&M's proposal, both Livingston and L&M intend to simultaneously file applications to upgrade their respective facilities, and to promptly construct the Class B1 facilities upon grant of the applications.

WHEREFORE, Livingston and L&M respectfully request that the Commission allot, at specified reference points, Channel 229B1 to Pontiac and Channel 230B1 to Lincoln.

Respectfully submitted,

LIVINGSTON COUNTY
BROADCASTERS, INC.

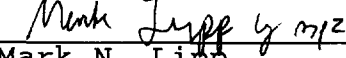
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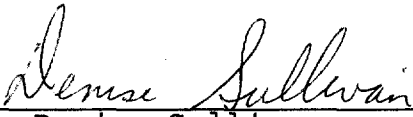
Date: March 5, 1993

CERTIFICATE OF SERVICE

I, Denise Sullivan, a secretary to the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that I have this 5th day of March, 1993, sent a copy of the foregoing "JOINT PETITION FOR RESOLUTION OF RULEMAKING PROCEEDING" by first class United States mail, postage prepaid, to the following:

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*Hand Delivered